

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion to Re-Examine the
Underlying Issues Involved in the Submetering
Discount for Mobile Home Parks and to Stay
D.01-08-040.

Rulemaking 03-03-017
(Filed March 13, 2003)

Order Instituting Investigation on the
Commission's Own Motion to Re-Examine the
Underlying Issues Involved in the Submetering
Discount for Mobile Home Parks and to Stay
D.01-08-040.

Investigation 03-03-018
(Filed March 13, 2003)

Robert Hambley, for Himself and, on Behalf of
the Residents of Los Robles Mobilehome Park,

Complainant,

vs.

Hillsboro Properties, a California Limited
Partnership, and the City of Novato,

Defendants.

Case 00-01-017
(Filed January 14, 2000)

**ADMINISTRATIVE LAW JUDGE'S RULING
CLARIFYING PARTY STATUS AND REQUIRING
FILINGS IN CASE 00-01-017**

It appears that, in the instant rulemaking and investigation, the
parties have agreed that pedestals and common area facilities are not covered by

the mobile home master meter discount. If this turns out to be correct, and is adopted by the Commission, it appears that Case (C.) 00-01-017 will be ready to be completed. To that end there are two relevant questions that must be answered:

Question 1: Assuming that pedestals and common area facilities are found in Rulemaking (R.) 03-03-017 and Investigation (I.) 03-03-018 to not be covered by the mobile home master meter discount, how should Decision (D.) 01-08-040 be changed, if at all?

Question 2: Assuming D.01-08-040 is unchanged, what is the appropriate amount of the refund, and how should it be calculated?

I intend to require the parties to C.00-01-017 to make filings regarding the above questions. However, the order instituting the rulemaking and the investigation did not specify whether parties to the investigation and rulemaking are considered parties to C.00-01-017. In addition, it does not appear that a decision in C.00-01-017 will have a material effect on the outcome of the rulemaking or the investigation. Also, the ex parte contact rules are different for C.00-01-017 than for the rulemaking and the investigation. For the above reasons, I find that the only parties to C.00-01-017 are those who were parties before the rulemaking and investigation was initiated. Any party to the rulemaking and the investigation who wishes to become a party to C.00-01-017 will be required to file a motion to intervene that completely justifies such intervention as set forth herein.

Therefore, **IT IS RULED** that:

1. Motions to intervene in Case (C.) 00-01-017 shall be filed and served no later than August 21, 2003. Responses to such motions shall be filed and served no later than August 25, 2003.

2. Motions to intervene in C.00-01-017 shall provide a full and complete explanation of why such intervention is necessary, and what evidence or argument the moving party would present.

3. If a motion to intervene is granted, the party shall be subject to the requirements specified below.

4. The following requirements apply only to parties, or those who may become parties, in C.00-01-017.

5. Briefs responding to Question 1 shall be filed and served in C.00-01-017 on September 8, 2003.

6. Reply briefs shall be filed and served on September 29, 2003.

7. Briefs shall be complete and comprehensive, and shall include all relevant arguments, references, citations and authorities. They shall not merely refer to previous filings.

8. The complainant and the defendant shall file and serve their calculations in response to Question 2 above in C.00-01-017 on September 8, 2003.

9. Revisions and/or comments on the complainant and the defendant's calculations shall be filed and served on September 29, 2003.

10. All calculations are to be complete, and fully explained.

11. To the extent that a party points out a flaw in another's calculations, it shall provide a full and complete explanation of the flaw and the appropriate correction.

12. If any current or future party to C.00-01-017 believes that there are issues of fact for which evidentiary hearings on the refund amount calculations are necessary, it shall say so in its September 29, 2003 filing. In addition, it shall include in the filing a full and complete explanation of the need for evidentiary hearings, as well as the testimony and exhibits it would present in such hearings.

13. Copies of all motions, briefs, and filings in response to this ruling shall be sent directly to me, in addition to the required service. To the extent possible, electronic copies should also be sent to me.

14. Upon request, copies of all motions, briefs, and filings in response to this ruling shall be sent to parties in Rulemaking 03-03-017 and Investigation 03-03-018.

Dated August 8, 2003, at San Francisco, California.

/s/ JEFFREY P. O'DONNELL

Jeffrey P. O'Donnell
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Clarifying Party Status and Requiring Filings in Case 00-01-017 on all parties of record in this proceeding or their attorneys of record. In addition, service was also performed by electronic mail.

Dated August 8, 2003, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.